

**CITY OF SANTA BARBARA
FIRE & POLICE COMMISSION REVISED MINUTES**

Thursday **August 26, 2010** @ 4:00
Santa Barbara Police Department
Murphy Room
215 E

REGULAR MEETING

1. CALL TO ORDER/ROLL CALL:

Present: Commissioners: Lennon, Parker, Christensen and Rodriguez (Signor excused absence)

Staff Present: Deputy Chief Frank Mannix, Sgt. Riley Harwood, Assistant City Attorney Scott Vincent, Police Technician Holly Perea, Fire Chief Andy DiMizio, Councilmember Bendy White and Acting Secretary, Onalisa Hoodes

2. APPROVAL OF MINUTES:

MOTION: Parker to approve minutes of **July 22, 2010**
Christensen and Parker to provide revisions

VOTE: Unanimous voice vote: Motion passed

3. PUBLIC COMMENT:

Any member of the public may address the Fire & Police Commission for up to one minute on any subject within the jurisdiction of the Commission that is not scheduled for a public hearing before the Commission. The total time for this item is 10 minutes. If you wish to address the Commission under this item, please complete and deliver to the Commission Secretary before the meeting is convened, a "Request to Speak" form, including a description of the subject you wish to address.

None

4. SUBCOMMITTEE REPORTS

None

5. OLD BUSINESS:

Christensen asked about answers to Commissioner Parker's questions submitted to the police department. DC Mannix stated that the answers would be mailed out shortly. He stated that the research was complete, however, there were some formatting issues that needed to be fixed and the revisions would probably be done tomorrow. Commissioner Parker wanted to tentatively put this item on the next meeting Agenda. "Continued discussion of POA presentation." Commissioner Rodriguez said he thought "we were done" with this issue. DC Mannix stated that there is going to be a point soon where "specialty research projects" will be discontinued. The reason is that it is under the purview of the City Administrator via the Chain of Command and the Police Chief to direct the operations of the department, and by requesting staff work on a regular basis, the Commissioners are directing the operations of the department and staff, which not even City Council has the purview to do. Commissioners are entitled to any document produced by the department via "Public Records Request" and these will be provided.

However, endless staff work to go over material is going to be “brought to an end.” DC Mannix encouraged Commissioners to give him a call and set up an appointment or speak over the phone to go over any information they may need or give Commissioners direction to whoever will be able to assist them. DC Mannix said the department cannot endlessly do research projects based on curiosity.

Commissioner Parker stated that this is not out of curiosity. It is out of the Commissioners doing their job. City Charter lays out 5 specific tasks and one is to help assure that the residents of this City are getting adequate and efficient police service and also to make recommendations to City Council on potential rules and regulations and policy changes. Also, the Commissioners are to confer with the Chief and the department on the budget, either before or simultaneously to the City Manager and the Commissioners have been denied this. Commissioner Parker asked how they are supposed to do their job if they don’t ask for information. The public has a right to know answers. Commissioner Parker said he hears what Deputy Chief Mannix is saying but does not agree with that position and he will continue to do his job and continue to ask for information. Commissioner Parker stated that he received an email from the Chief saying the “he considers the project completed.” Commissioner Parker said that they as a Commission will decide when one of their projects is completed.

DC Mannix said “objections were duly noted.”

Commissioner Christensen stated that she had no intention of taking up staff time; she understands and appreciates the fact that there is less staff to do the job these days given the budget. She said she is happy to have informal discussions to have a better understanding of the Fire and Police Departments. She said she appreciates the time that was taken to complete these projects. Commissioner Christensen said she is happy to make a formal Public Records Request. She hopes that information that is requested, that is public, is forthcoming in a reasonably expeditious fashion. Commissioner Christensen said she finds it “offensive” in terms of it being put on the Commission that they have taken up hundreds of staff hours and no more time will be taken on this project and that the project is “completed.” She feels there are a number of outstanding questions and feels the questions/issues that have been placed on the table are critical to evaluating the level of public safety service that is being delivered and is within the constraints of what they are dealing with right now. Commissioner Christensen hopes that “we are not pitting ourselves against one another when it is not necessary.” She will continue to respect the time that it takes.

DC Mannix said the department does respect and appreciate the volunteerism that this body (F&P Commission) represents and we want a good relationship. However, there are limitations we have to be sensitive to. We have spent more time on this research project than on any other project for the Commission “ever.” DC Mannix said if there is need for clarification on the answers to their questions please feel free to give him a call. However, in terms of directing staff to abandon their “in progress” work to redirect for this body, there is a point where we just have to say “No.”

Commissioner Christensen said she appreciates this and wants to be notified if she is being unreasonable and DC Mannix said that he/we will let the commissioners know..

Commissioner Parker said he is very sensitive to the time that these things take. However, he thinks the Commission has been sensitive to the time issue. He says they have been cooperative in not setting a deadline. Commissioner Parker said there had

been an open invitation for Commissioners to attend the monthly CompStat meetings and says that he has found them very informative. He said he found the timing “unusual” regarding the fact that after the POA presentation and the initial response and his attending the last meeting, it was publicly announced by the Chief that the Commissioners are no longer welcome at those meetings. He stated that if that were not the case and they were presented on an annual basis with a budget during the formulation process, or simultaneously while going to the City Administrator and the City Council, which is the way he feels the City Charter is worded, the extent of these questions would not have been necessary and they would have had the information as they went along. He feels the Commission was formed to do their job and they need to do that to the best of their ability. Commissioner Parker said that if any of his/their requests are unreasonable to please let him/them know and see if a compromise can’t be worked out.

6. NEW BUSINESS:

None

7. TAHAT APPEAL OF TAXI PERMIT RENEWAL DENIAL

This item was withdrawn from the Agenda due to City Attorney’s review the and that the police department did not have the minimum requirements to deny the permit and the permit will be renewed for 1 year.

8. ELECTION OF CHAIR AND VICE CHAIR

MOTION: Parker to nominate Pat Lennon for Chair

VOTE: Unanimous voice vote: Motion passed

MOTION: Christensen to nominate Tom Parker for Vice Chair

VOTE: Unanimous voice vote: Motion passed

9. FIRE CHIEF’S REPORT –

- Structure fire at 1402 Pitos, significant damage to structure
- Mutual aid with the County at the fatal accident at the foot of San Marcus Pass; a City truck, normally used to clean out sewer drains, was used to move gravel
- Pozo Fire in SLO County; 8 members of City Fire sent as a “Fire Overhead” team; fire contained to 1100 acres; also 4 hourly employees at this fire
- Chief DiMizio handed out Incident Run Sheet from beginning of July to end of July – 658 calls; \$755,000 in losses – including structure fire at Coast Village Rd
- Chief DiMizio handed out sheet with quarterly unit response time analysis; goal is to respond to Code 3 emergencies in under 4 minutes; overall average response time of 2 minutes 48 seconds for the last month

Commissioner Christensen thanked the Chief for copies of budget and performance measures before the budget hearings.

Commissioner Parker “echoed” Commissioner Christensen’s remarks and said the Fire Department has been very forthcoming. Parker also commented that September 2nd is the Fire Alliance Ball and encouraged Commissioners to attend. Chief DiMizio corrected the date is September 10th.

Commissioner Lennon stated that he could smell burned brakes the day of the fatal accident.

11. POLICE CHIEF'S REPORT

- DC Mannix reported that we are recruiting and looking to send 9 officers to the November Academy; this to fill some current vacancies; this includes 2 over-hire positions
- Marijuana Dispensary case at 817 Bond Ave.; judge has held defendants over to answer on that case; good probable cause and ample evidence to support prosecution; very important because there are several other cases like it so it is important for this case to survive judicial scrutiny.
- Fiesta relatively quiet; arrest numbers up a little from previous years but in terms of serious crime it was low; most officers agreed this was one of the quietest Fiestas they can remember; employed a number of counter measures over the years – lights, mobile booking stations, use of out-of-town gang experts
- One officer leaving the department and lateraling to Oxnard PD; Oxnard was his home and this played a major role in his decision to move

Commissioner Parker asked if Oxnard pay grades were similar to ours and asked if they paid more and if that was a factor. DC Mannix said “all of the above” and that they are probably similar but he has not done an analysis. He has been told that Oxnard officers are paid better than we are. He feels that in order to keep our staff we have to parody what everyone else makes. Also factor in time and gas money to commute to Santa Barbara.

Commissioner Parker and Christensen commented on the professionalism of officers on Fiesta and congratulated the department.

Commissioner Parker asked if SBPD was able to “staff up” with City officers this year. DC Mannix stated that he thought it was about the same. Our department puts in requests for out-of-town agencies and the amount of officers sent each year changes; approximately same amount of sworn staff this year as last year.

Commissioner Parker asked about the negotiations with POA. DC Mannix said the POA are still in negotiations with the City.

Commissioner Parker mentioned the report that was in the press (Pueblo and impoundment of vehicles). Parker wondered what the department's view is and if there is going to be a formal response publicly. DC Mannix said press release was put out and that is as formal as we are planning to go. The department took exception to a lot of the data in the report and that much of the data was inaccurate. DC Mannix said the aggressive enforcement of unlicensed drivers makes traffic safety better in a community and our policies and practices are consistent with State law and these have been in effect for approximately 15 years. Commissioner Parker mentioned reading the report.

Commissioner Parker asked if the release fees that the department gets on tows are kept within the department or do they go into the General Fund. DC Mannix said these are referred to as “Departmental Revenues” and all the revenue that we collect ultimately has a home in the General Fund, with a few exceptions.

12. ADJORN: 4:42